

PJS:MAS:jmh

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY S. CLARK,	:	NO. 3:CV-10-00026
Plaintiff	:	
	:	(Caputo, J.)
v.	:	
	:	
LT. J. FLEMING, et al.	:	
Defendants	:	Filed Electronically

MOTION FOR LEAVE TO DEPOSE PLAINTIFF
PURSUANT TO FED. R. CIV. P. 30(a)(2)

NOW COME Defendants, by and through their counsel, Peter J. Smith, United States Attorney for the Middle District of Pennsylvania, and Melissa A. Swauger, Assistant United States Attorney, who hereby move the Court for leave to take plaintiff's deposition pursuant to Fed. R. Civ. P. 30(a)(2) as the plaintiff is confined in prison. A brief in support of this motion has been filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that she has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted

PETER J. SMITH
United States Attorney

Date: May 25, 2011

s/ Melissa A. Swauger
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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY S. CLARK, Plaintiff	:	NO. 3:CV-10-0026
	:	
	:	(Caputo, J.)
v.	:	
	:	
LT. J. FLEMING, et al. Defendants	:	Filed Electronically

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on May 25, 2011, she served a copy of the attached

MOTION FOR LEAVE TO DEPOSE PLAINTIFF
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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Jeffrey Clark
19776-045
USP FLORENCE ADMAX
P.O. Box 8500
Florence, CO 81226

/s/ Joanne M. Hoffman

JOANNE M. HOFFMAN
Paralegal Specialist